

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

THE APPLICATION OF MALLARD)	
POINT DISPOSAL SYSTEMS, INC. FOR)	
A RATE ADJUSTMENT PURSUANT TO)	CASE NO. 2003-00284
THE ALTERNATIVE RATE FILING)	
PROCEDURE FOR SMALL UTILITIES)	

O R D E R

On October 16, 2003, Mallard Point Disposal Systems, Inc. (Mallard Point) filed Interrogatories and a Request for Production of Documents (Request) upon Intervenor Angela Beall, Intervenor Winston Faircloth, Intervenors James R. and Judith Marlowe, and Intervenor Marvin Baker (Baker). On October 29, 2003, Baker, by counsel, filed a motion to strike the Request or, alternatively, for additional time in which to respond to the Request. Baker s grounds are that the Request is out of time because the procedural schedule for this case directs that supplemental requests be filed by October 15, 2003. Consequently, he contends, since Mallard Point did not file an initial Request, it cannot file a supplemental Request. Mallard Point replied to the motion to strike on October 30, 2003.

We have addressed procedural matters in this case in our Order of October 16, 2003. We strongly emphasize to the parties that the purpose of this proceeding is to determine whether the rates proposed by Mallard Point are fair, just, and reasonable. The purpose of obtaining information by data requests is to make available to all parties and the Commission the facts necessary to determine if the rates proposed by Mallard

Point are fair, just, and reasonable. All relevant information should be made available to all parties. We consider the term supplemental to be a term of art rather than one of mandatory procedure. Therefore, we will deny the motion to strike and grant the motion for additional time to respond to the Request. We further find that the additional time to respond to the Request should be given to all parties.

The Commission, having been sufficiently advised, HEREBY ORDERS that:

1. Baker's motion to strike is denied.
2. Baker's motion for additional time is granted. All parties shall reply to the Request from Mallard Point within 7 days from the date of this Order.

Done at Frankfort, Kentucky, this 3rd day of November, 2003.

By the Commission

ATTEST:


Executive Director